

AGENDA MEMO

TO: Mayor & City Commission

AGENDA DATE: 11/15/2010

FROM: Gary J. Cooney, City Attorney

AGENDA ITEM: 7 - E

SUBJECT: Resolution No. 2010-40, Asking the Volusia County Legislative Delegation to seek repeal of certain sections of Senate Bill 550.

LOCATION:

N/A

BACKGROUND:

During the November 1, 2010 meeting, the Commission directed the City Attorney to prepare a resolution asking the Legislative Delegation to seek repeal of those portions of SB 550 which mandate septic system pumping and inspection every five years. Resolution No. 2010-40 accomplishes this purpose.

**ORIGINATING
DEPARTMENT:**

City Attorney's Office

SOURCE OF FUNDS:

N/A

COST:

N/A

REVIEWED BY:

City Attorney

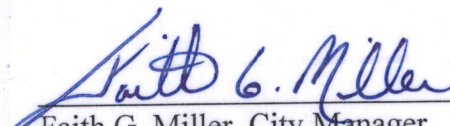
**STAFF
RECOMMENDATION
PRESENTED BY:**

Gary J. Cooney, City Attorney - To approve Resolution No. 2010-04.

**POTENTIAL
MOTION:**

"I move to approve Resolution No. 2010-40."

**AGENDA ITEM
APPROVED BY:**


Faith G. Miller, City Manager

ATTACHMENTS:

- Resolution 2010-40

RESOLUTION NO. 2010-40

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, PERTAINING TO FLORIDA SENATE BILL 550; ENCOURAGING THE VOLUSIA COUNTY LEGISLATIVE DELEGATION TO TAKE THE STEPS NECESSARY TO REPEAL THE AMENDMENTS TO SECTIONS 381.0065, 381.00656 AND 381.0066, FLORIDA STATUTES, ADOPTED BY SENATE BILL 550; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, during the 2010 legislative session, the Florida Legislature adopted Senate Bill 550, also referred to as Chapter 2010-205, Laws of Florida; and

WHEREAS, Chapter 2010-205, Laws of Florida, amended, among other sections, Sections 381.0065 and 381.0066, Florida Statutes; and

WHEREAS, the amendment to Section 381.0065, Florida Statutes, requires homeowners utilizing on-site septic systems to have those systems inspected at least once every five years; and

WHEREAS, the various bill analyses provided to the legislators sorely underestimated the cost, to homeowners, of this inspection program; and

WHEREAS, the various bill analyses estimated a cost to the homeowner of only \$30 per inspection, this cost figure only included the filing fee for the inspection report; and

WHEREAS, a septic system pumping and inspection will actually cost approximately \$500-600 per inspection, which does not include the refurbishment of the yard; and

WHEREAS, the estimated number of private septic systems in Florida is 2,600,000; and

WHEREAS, based upon that estimate, 520,000 septic system owners will be forced each year, even if no evidence shows the system to be in violation of state standards, to have their lives interrupted and their yards partially destroyed in order to undergo an inspection; and

WHEREAS, based upon that estimate, Floridians will spend approximately \$286,000,000

per year due to Senate Bill 550; and

WHEREAS, the amendment to Section 381.0065 creates conflicts of interest as it requires inspections by those persons and entities who will benefit from a failed inspection;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA:

The City of Deltona requests the Volusia County legislative delegation take the steps necessary to repeal the amendments to Sections 381.0065, 381.00656 and 381.0066, Florida Statutes, adopted by Senate Bill 550 in 2010 in order to spare homeowners with no violation of any health standard the unnecessary expense of septic system pumping and evaluation.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, THIS _____ DAY OF _____, 2010.

John Masiarczyk, Mayor

ATTEST:

JOYCE KENT, City Clerk

Approved as to form and legality for use
and reliance of the City of Deltona, Florida:

City of Deltona, Florida
Resolution No. 2010-40
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GARY J. COONEY, City Attorney